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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-97

13 **JENNIFER JOYCE THOMPSON**  
14 **P.O. Box 452**  
15 **Soulsbyville, California 95372**  
16 **Registered Nurse License No. 495847**

**A C C U S A T I O N**

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN. ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about August 31, 1993, the Board issued Registered Nurse License Number  
24 495847 to Jennifer Joyce Thompson ("Respondent"). The registered nurse license was in full  
25 force and effect at all times relevant to the charges brought herein and will expire on May 31,  
26 2011, unless renewed.

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## STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct....,

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

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1 (c) Be convicted of a criminal offense involving the prescription,  
2 consumption, or self-administration of any of the substances described in  
3 subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
4 record pertaining to, the substances described in subdivision (a) of this section, in  
5 which event the record of the conviction is conclusive evidence thereof.

6 8. Code section 125.3 provides, in pertinent part, that the Board may request the  
7 administrative law judge to direct a licensee found to have committed a violation or violations of  
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
9 enforcement of the case.

#### 10 **FIRST CAUSE FOR DISCIPLINE**

##### 11 **(Criminal Conviction)**

12 9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in  
13 that on January 4, 2007, in the Superior Court, County of Tuolumne, California, in the matter  
14 entitled *People v. Jennifer Joyce. Thompson* (2006), Case No. CRM 22274, Respondent was  
15 convicted by the court following her plea of no contest to a violation of Vehicle Code section  
16 23152, subdivision (b) (driving with a blood alcohol level of 0.08% or more), a misdemeanor.  
17 The circumstances of the crime are that on September 25, 2006, Respondent was arrested after  
18 several people contacted the California Highway Patrol about a possible drunk driver. Officers  
19 arrived to find Respondent behind the wheel of her vehicle, obviously intoxicated. The arresting  
20 officer had respondent perform two preliminary alcohol screen tests the results of which were a  
21 .229 and .254 blood alcohol content.

#### 22 **SECOND CAUSE FOR DISCIPLINE**

##### 23 **(Criminal Conviction Involving Alcohol)**

24 10. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
25 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in that  
26 Respondent has been convicted of a crime involving alcohol, as more particularly set forth in  
27 paragraph 9, above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Use Alcohol to an Extent or in a Manner Dangerous or**  
3 **Injurious to Herself or Others)**

4 11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
5 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that  
6 on September 25, 2006, Respondent used alcohol to an extent or in a manner dangerous or  
7 injurious to herself or others, as more particularly set forth in paragraphs 9 and 10, above.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 495847, issued to  
12 Jennifer Joyce Thompson;

13 2. Ordering Jennifer Joyce Thompson to pay the Board of Registered Nursing the  
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
15 Professions Code section 125.3; and,

16 3. Taking such other and further action as deemed necessary and proper.  
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19 DATED: 8/19/09

*Louise R. Bailey*  
LOUISE R. BAILEY, M.Ed., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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